

1 ***-1243/P3.34* SECTION 1738.** 100.18 (11) (c) 4. of the statutes is amended to
2 read:

3 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
4 comply with any civil investigative demand, or fails to obey any subpoena issued by
5 the department of justice, such person may be coerced as provided in s. 885.12, except
6 that no person shall be required to furnish any testimony or evidence under this
7 subsection which might tend to incriminate the person.

8 ***-1243/P3.35* SECTION 1739.** 100.18 (11) (d) of the statutes is amended to
9 read:

10 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
11 ~~with the department, or any district attorney, upon informing the department of~~
12 ~~justice, may commence an action in circuit court in the name of the state to restrain~~
13 ~~by temporary or permanent injunction any violation of this section. The court may~~
14 ~~in its discretion, prior to entry of final judgment, make such orders or judgments as~~
15 ~~may be necessary to restore to any person any pecuniary loss suffered because of the~~
16 ~~acts or practices involved in the action, provided proof thereof is submitted to the~~
17 ~~satisfaction of the court. The department and the department of justice may~~
18 ~~subpoena persons and require the production of books and other documents, and the~~
19 ~~department of justice may request the department to exercise its authority under~~
20 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

21 ***-1243/P3.36* SECTION 1740.** 100.18 (11) (e) of the statutes is amended to
22 read:

23 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
24 section, ~~the department or the department of justice may accept a written assurance~~
25 ~~of discontinuance of any act or practice alleged to be a violation of this section from~~

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1 the person who has engaged in such act or practice. The acceptance of such assurance
2 by ~~either the department or the department of justice~~ shall be deemed acceptance by
3 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of
4 the assurance so provide. An assurance entered into pursuant to this section shall
5 not be considered evidence of a violation of this section, provided that violation of
6 such an assurance shall be treated as a violation of this section, and shall be
7 subjected to all of the penalties and remedies provided therefor under this section.

8 ***-1243/P3.37* SECTION 1741.** 100.182 (5) (a) of the statutes is amended to
9 read:

10 100.182 (5) (a) Any district attorney, after informing the department of justice,
11 or the department of justice may seek a temporary or permanent injunction in circuit
12 court to restrain any violation of this section. Prior to entering a final judgment the
13 court may award damages to any person suffering monetary loss because of a
14 violation. The department of justice may subpoena any person or require the
15 production of any document to aid in investigating alleged violations of this section.

16 ***-1243/P3.38* SECTION 1742.** 100.182 (5) (b) of the statutes is amended to
17 read:

18 100.182 (5) (b) In lieu of instituting or continuing an action under this
19 subsection, the department of justice may accept a written assurance from a violator
20 of this section that the violation has ceased. If the terms of the assurance so provide,
21 its acceptance by the department of justice prevents all district attorneys from
22 prosecuting the violation. An assurance is not evidence of a violation of this section
23 but violation of an assurance is subject to the penalties and remedies of violating this
24 section.

25 ***-1243/P3.39* SECTION 1743.** 100.20 (2) (a) of the statutes is amended to read:

1 100.20 (2) (a) The department of justice, after public hearing, may issue
2 general orders forbidding methods of competition in business or trade practices in
3 business which are determined by the department of justice to be unfair. The
4 department of justice, after public hearing, may issue general orders prescribing
5 methods of competition in business or trade practices in business which are
6 determined by the department of justice to be fair.

7 ***-1243/P3.40* SECTION 1744.** 100.20 (2) (b) of the statutes is amended to read:

8 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
9 any order or promulgate any rule that regulates the provision of water or sewer
10 service by a manufactured home park operator, as defined in s. 101.91 (8), or
11 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
12 to the extent that the rule regulates the provision of such water or sewer service.

13 ***-1243/P3.41* SECTION 1745.** 100.20 (3) of the statutes is amended to read:

14 100.20 (3) The department of justice, after public hearing, may issue a special
15 order against any person, enjoining such person from employing any method of
16 competition in business or trade practice in business which is determined by the
17 department of justice to be unfair or from providing service in violation of sub. (1t).
18 The department of justice, after public hearing, may issue a special order against any
19 person, requiring such person to employ the method of competition in business or
20 trade practice in business which is determined by the department of justice to be fair.

21 ***-1243/P3.42* SECTION 1746.** 100.20 (4) of the statutes is amended to read:

22 100.20 (4) ~~The~~ If the department of justice ~~may file a written complaint with~~
23 ~~the department alleging that the~~ has reason to believe that a person named is
24 employing unfair methods of competition in business or unfair trade practices in
25 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the

1 department of justice to proceed, after proper notice and in accordance with its rules,
2 to the hearing and adjudication of the ~~matters alleged, and a representative of the~~
3 ~~department of justice designated by the attorney general may appear before the~~
4 ~~department in such proceedings. The department of justice shall be entitled to~~
5 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

6 *–1243/P3.43* SECTION 1747. 100.20 (6) of the statutes is amended to read:

7 100.20 (6) The department of justice may commence an action in circuit court
8 in the name of the state to restrain by temporary or permanent injunction the
9 violation of any order issued under this section. The court may in its discretion, prior
10 to entry of final judgment, make such orders or judgments as may be necessary to
11 restore to any person any pecuniary loss suffered because of the acts or practices
12 involved in the action, provided proof thereof is submitted to the satisfaction of the
13 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~
14 investigate violations of any order issued under this section.

15 *–1243/P3.44* SECTION 1748. 100.201 (6) (d) of the statutes is amended to
16 read:

17 100.201 (6) (d) The failure to pay fees under this subsection within the time
18 provided under par. (c) is a violation of this section. The department of justice may
19 also commence an action to recover the amount of any overdue fees plus interest at
20 the rate of 2% per month for each month that the fees are delinquent.

21 *–1243/P3.45* SECTION 1749. 100.201 (8m) (intro.) of the statutes is amended
22 to read:

23 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
24 acts or omissions which take place in whole or in part outside this state. In any action
25 or administrative proceeding the department of justice has jurisdiction of the person

1 served under s. 801.11 when any act or omission outside this state by the defendant
2 or respondent results in local injury or may have the effect of injuring competition
3 or a competitor in this state or unfairly diverts trade or business from a competitor,
4 if at the time:

5 *–1243/P3.46* SECTION 1750. 100.201 (9) (b) of the statutes is amended to
6 read:

7 100.201 (9) (b) The department of agriculture, trade, and rural resources, after
8 public hearing held under s. 93.18, may issue a special order against any person
9 requiring such person to cease and desist from acts, practices, or omissions
10 determined by the department of agriculture, trade, and rural resources to violate
11 this section. Such orders shall be subject to judicial review under ch. 227. Any
12 violation of a special order issued hereunder under this paragraph shall be
13 punishable as a contempt under ch. 785 in the manner provided for disobedience of
14 a lawful order of a court, upon the filing of an affidavit by the department of justice
15 of the commission of such violation in any court of record in the county where the
16 violation occurred.

17 *–1243/P3.47* SECTION 1751. 100.201 (9) (c) of the statutes is amended to
18 read:

19 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
20 remedies herein provided, may apply to a circuit court for a temporary or permanent
21 injunction to prevent, restrain, or enjoin any person from violating this section or any
22 special order of the department of agriculture, trade, and rural resources issued
23 hereunder under this section, without being compelled to allege or prove that an
24 adequate remedy at law does not exist.

25 *–1243/P3.48* SECTION 1752. 100.205 (7) of the statutes is amended to read:

1 100.205 (7) The department of justice, or any district attorney on informing the
2 department of justice, may commence an action in circuit court in the name of the
3 state to restrain by temporary or permanent injunction any violation of this section.
4 The court may, before entry of final judgment and after satisfactory proof, make
5 orders or judgments necessary to restore to any person any pecuniary loss suffered
6 because of a violation of this section. The department of justice may conduct
7 hearings, administer oaths, issue subpoenas, and take testimony to aid in its
8 investigation of violations of this section.

9 ***-1243/P3.49* SECTION 1753.** 100.205 (8) of the statutes is amended to read:

10 100.205 (8) The department of justice or any district attorney may commence
11 an action in the name of the state to recover a forfeiture to the state of not more than
12 \$10,000 for each violation of this section.

13 ***-1243/P3.50* SECTION 1754.** 100.207 (1) of the statutes is renumbered
14 100.207 (1) (intro.) and amended to read:

15 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
16 “telecommunications;

17 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

18 ***-1243/P3.51* SECTION 1755.** 100.207 (1) (a) of the statutes is created to read:

19 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
20 department of justice.

21 ***-1243/P3.52* SECTION 1756.** 100.207 (6) (b) 1. of the statutes is amended to
22 read:

23 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
24 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
25 upon informing the department of agriculture, ~~trade and consumer protection,~~ may

1 commence an action in circuit court in the name of the state to restrain by temporary
2 or permanent injunction any violation of this section. Injunctive relief may include
3 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
4 discontinue telecommunications service provided to a person violating this section
5 or ch. 196. Before entry of final judgment, the court may make such orders or
6 judgments as may be necessary to restore to any person any pecuniary loss suffered
7 because of the acts or practices involved in the action if proof of these acts or practices
8 is submitted to the satisfaction of the court.

9 *~~1243/P3.53~~* SECTION 1757. 100.207 (6) (b) 2. of the statutes is amended to
10 read:

11 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
12 ~~to 93.16 and 100.18 (11) (c) to shall~~ administer this section. The department ~~and the~~
13 ~~department of justice~~ may subpoena persons ~~and,~~ require the production of books
14 and other documents, and ~~the department of justice may request the department of~~
15 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
16 ~~investigation of~~ investigate alleged violations of this section.

17 *~~1243/P3.54~~* SECTION 1758. 100.207 (6) (c) of the statutes is amended to
18 read:

19 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
20 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
21 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
22 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
23 department, by the district attorney of the county where the violation occurs.

24 *~~1243/P3.55~~* SECTION 1759. 100.207 (6) (em) 1. of the statutes is amended
25 to read:

1 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
2 department shall form an advisory group to suggest recommendations regarding the
3 content and scope of the proposed rule. The advisory group shall consist of one or
4 more persons who may be affected by the proposed rule, ~~a representative from the~~
5 ~~department of justice~~ and a representative from the public service commission.

6 ***-1243/P3.56* SECTION 1760.** 100.207 (6) (em) 2. of the statutes is amended
7 to read:

8 100.207 (6) (em) 2. The department shall submit the recommendations under
9 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
10 ~~and to the board of agriculture, trade and consumer protection.~~

11 ***-1243/P3.57* SECTION 1761.** 100.208 (2) (intro.) of the statutes is amended
12 to read:

13 100.208 (2) (intro.) The department of justice shall notify the public service
14 commission if any of the following conditions exists:

15 ***-1243/P3.58* SECTION 1762.** 100.208 (2) (b) of the statutes is amended to
16 read:

17 100.208 (2) (b) The department of justice has issued an order under s. 100.20
18 (3) prohibiting a telecommunications provider from engaging in an unfair trade
19 practice or method of competition.

20 ***-1243/P3.59* SECTION 1763.** 100.209 (3) of the statutes is amended to read:

21 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
22 prohibit the department of justice from promulgating a rule or from issuing an order
23 consistent with its authority under this chapter that gives a subscriber greater rights
24 than the rights under sub. (2) or prohibit a city, village, or town from enacting an
25 ordinance that gives a subscriber greater rights than the rights under sub. (2).

1 ***-1243/P3.60* SECTION 1764.** 100.209 (4) (b) of the statutes is amended to
2 read:

3 100.209 (4) (b) The department of justice and the district attorneys of this state
4 have concurrent authority to institute civil proceedings under this section.

5 ***-1243/P3.61* SECTION 1765.** 100.2095 (6) (b) of the statutes is amended to
6 read:

7 100.2095 (6) (b) The department of justice may commence an action in the
8 name of the state to restrain by temporary or permanent injunction a violation of sub.
9 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
10 orders to restore to any person any pecuniary loss suffered by the person because of
11 the violation.

12 ***-1243/P3.62* SECTION 1766.** 100.2095 (6) (c) of the statutes is amended to
13 read:

14 100.2095 (6) (c) The department of justice or any district attorney may
15 commence an action in the name of the state to recover a forfeiture to the state of not
16 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

17 ***-1243/P3.63* SECTION 1767.** 100.21 (2) (a) of the statutes is amended to read:

18 100.21 (2) (a) No person may make an energy savings or safety claim without
19 a reasonable and currently accepted scientific basis for the claim when the claim is
20 made. Making an energy savings or safety claim without a reasonable and currently
21 accepted scientific basis is also an unfair method of competition and trade practice
22 prohibited under s. 100.20.

23 ***-1243/P3.64* SECTION 1768.** 100.21 (4) (a) (intro.) of the statutes is amended
24 to read:

1 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
2 or special orders under s. 100.20:

3 ***-1243/P3.65* SECTION 1769.** 100.22 (4) (b) of the statutes is amended to read:

4 100.22 (4) (b) The department of justice may, without alleging or proving that
5 no other adequate remedy at law exists, bring an action on behalf of the department
6 of agriculture, trade, and rural resources to enjoin violations of this section or a
7 special order issued under this section in the circuit court for the county where the
8 alleged violation occurred.

9 ***-1243/P3.66* SECTION 1770.** 100.235 (11) (a) of the statutes is amended to
10 read:

11 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
12 promulgated or order issued under this section may be required to forfeit not less
13 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
14 ~~may commence an action to recover a forfeiture under this paragraph.~~

15 ***-1243/P3.67* SECTION 1771.** 100.26 (6) of the statutes is amended to read:

16 100.26 (6) ~~The department, the department of justice, after consulting with the~~
17 ~~department, or any district attorney may commence an action in the name of the~~
18 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
19 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
20 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
21 ~~protection or any district attorney may commence an action in the name of the state~~
22 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000
23 for each violation. Any person violating an order issued under s. 100.20 is subject
24 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each
25 violation of an order issued under s. 100.20.

1 ***-1243/P3.68* SECTION 1772.** 100.261 (1) of the statutes is amended to read:

2 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
3 ~~ch. chs. 98 or 133~~, a rule promulgated under this chapter or ~~ch. chs. 98 or 133~~, or an
4 ordinance enacted under this chapter or ~~ch. chs. 98 or 133~~, the court shall also impose
5 a consumer protection surcharge under ch. 814 in an amount equal to 25% of the fine
6 or forfeiture imposed. If multiple violations are involved, the court shall base the
7 consumer protection surcharge upon the total of the fine or forfeiture amounts for all
8 violations. If a fine or forfeiture is suspended in whole or in part, the court shall
9 reduce the surcharge in proportion to the suspension.

10 ***-1243/P3.69* SECTION 1773.** 100.261 (3) (b) of the statutes is amended to
11 read:

12 100.261 (3) (b) The secretary of administration shall deposit the consumer
13 protection surcharges imposed under ch. 814 for a violation of ch. 98, a rule
14 promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund
15 and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to
16 the limit under par. (c).

17 ***-1243/P3.70* SECTION 1774.** 100.261 (3) (d) of the statutes is created to read:

18 100.261 (3) (d) The state treasurer shall deposit the consumer protection
19 surcharge amounts imposed for a violation of this chapter or ch. 133, a rule
20 promulgated under this chapter or ch. 133, or an ordinance enacted under this
21 chapter in the general fund and shall credit them to the appropriation account under
22 s. 20.455 (1) (g), subject to the limit under par. (e).

23 ***-1243/P3.71* SECTION 1775.** 100.261 (3) (e) of the statutes is created to read:

24 100.261 (3) (e) The amount credited to the appropriation account under s.
25 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

1 *-1243/P3.72* SECTION 1776. 100.263 of the statutes is amended to read:

2 **100.263 Recovery.** In addition to other remedies available under this chapter,
3 the court may award the department state the reasonable and necessary costs of
4 investigation and, an amount reasonably necessary to remedy the harmful effects of
5 the violation, and ~~the court may award the department of justice~~ the reasonable and
6 necessary expenses of prosecution, including attorney fees, from any person who
7 violates this chapter. ~~The department and the department of justice~~ amounts
8 awarded under this section shall ~~deposit~~ be deposited in the state treasury for
9 deposit in the general fund ~~all moneys that the court awards to the department, the~~
10 ~~department of justice or the state under this section.~~ Ten percent of the money
11 deposited in the general fund that was awarded under this section for the costs of
12 investigation and the expenses of prosecution, including attorney fees, shall be
13 credited to the appropriation account under s. 20.455 (1) (gh).

14 *-1243/P3.73* SECTION 1777. 100.28 (4) (b) of the statutes is amended to read:

15 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
16 department of justice may seek an injunction restraining any person from violating
17 this section.

18 *-1243/P3.74* SECTION 1778. 100.28 (4) (c) of the statutes is amended to read:

19 100.28 (4) (c) The department of justice, or any district attorney upon the
20 request of the department of justice, may commence an action in the name of the
21 state under par. (a) or (b).

22 *-1243/P3.75* SECTION 1779. 100.31 (4) of the statutes is amended to read:

23 100.31 (4) PENALTIES. For any violation of this section, the department of
24 justice or a district attorney may commence an action on behalf of the state to recover
25 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each

1 delivery of a drug sold to a purchaser at a price in violation of this section and each
2 separate day in violation of an injunction issued under this section is a separate
3 offense.

4 ***-1243/P3.76* SECTION 1780.** 100.31 (5) of the statutes is amended to read:

5 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
6 may bring an action to enjoin a violation of this section without being compelled to
7 allege or prove that an adequate remedy at law does not exist. An action under this
8 subsection may be commenced and prosecuted by the department of justice or a
9 district attorney, in the name of the state, in a circuit court in the county where the
10 offense occurred or in Dane County, notwithstanding s. 801.50.

11 ***-1243/P3.77* SECTION 1781.** 100.37 (1) (am) of the statutes is created to read:

12 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
13 department of justice.

14 ***-1243/P3.78* SECTION 1782.** 100.38 (5) of the statutes is amended to read:

15 100.38 (5) INSPECTION. The department of justice shall enforce this section by
16 inspection, chemical analyses, or any other appropriate method, and the department
17 of justice may promulgate such rules as are necessary to effectively enforce this
18 section.

19 ***-1243/P3.79* SECTION 1783.** 100.38 (6) of the statutes is amended to read:

20 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
21 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
22 department of justice may bring an action to enjoin violations of this section.

23 ***-1243/P3.80* SECTION 1784.** 100.41 (1) (bn) of the statutes is created to read:

24 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
25 department of justice.

1 *-1243/P3.81* SECTION 1785. 100.42 (1) (cm) of the statutes is created to read:

2 100.42 (1) (cm) Notwithstanding s. 93.01 (3), "department" means the
3 department of justice.

4 *-1243/P3.82* SECTION 1786. 100.43 (1) (am) of the statutes is created to read:

5 100.43 (1) (am) Notwithstanding s. 93.01 (3), "department" means the
6 department of justice.

7 *-1243/P3.83* SECTION 1787. 100.44 (5) of the statutes is amended to read:

8 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
9 may, on behalf of the state, bring an action in any court of competent jurisdiction for
10 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
11 injunctive relief and for any other appropriate relief. The court may make any order
12 or judgment that is necessary to restore to any person any pecuniary loss suffered
13 because of a violation of sub. (3), if proof of the loss is shown to the satisfaction of the
14 court.

15 *-1243/P3.84* SECTION 1788. 100.46 (1) of the statutes is amended to read:

16 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
17 rule adopt energy conservation standards for products that have been established in
18 or promulgated under 42 USC 6291 to 6309.

19 *-1243/P3.85* SECTION 1789. 100.46 (2) of the statutes is amended to read:

20 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install,
21 or cause to be installed any product that is not in compliance with rules promulgated
22 under sub. (1). In addition to other penalties and enforcement procedures, the
23 department of justice may apply to a court for a temporary or permanent injunction
24 restraining any person from violating a rule adopted under sub. (1).

25 *-1243/P3.86* SECTION 1790. 100.50 (6) (b) of the statutes is amended to read:

1 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
2 department of justice may seek an injunction restraining any person from violating
3 this section.

4 ***-1243/P3.87* SECTION 1791.** 100.50 (6) (c) of the statutes is amended to read:

5 100.50 (6) (c) The department of justice, or any district attorney upon the
6 request of the department of justice, may commence an action in the name of the
7 state under par. (a) or (b).

8 ***-1243/P3.88* SECTION 1792.** 100.52 (1) (bn) of the statutes is created to read:

9 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
10 department of justice.

11 ***-1243/P3.89* SECTION 1793.** 101.175 (3) (intro.) of the statutes is amended

12 to read:

13 101.175 (3) (intro.) The department, in consultation with the department of
14 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality
15 standards for local energy resource systems which do not impede development of
16 innovative systems but which do:

17 ***-1560/3.22* SECTION 1794.** 101.9208 (1) (dm) of the statutes is amended to
18 read:

19 101.9208 (1) (dm) Upon filing an application under par. (a) or (d), a
20 supplemental title fee of \$7.50 by the owner of the manufactured home, except that
21 this fee shall be waived with respect to an application under par. (d) for transfer of
22 a decedent’s interest in a manufactured home to his or her surviving spouse. The fee
23 specified under this paragraph is in addition to any other fee specified in this section.

24 The department shall deposit into the environmental fund all fees collected under
25 this paragraph.

1 *–1623/1.3* SECTION 1795. 102.77 of the statutes is created to read:

2 **102.77 Health care worker injury prevention. (1) DEFINITIONS.** In this
3 section:

4 (a) “Health care facility” has the meaning given in s. 146.997 (1) (c).

5 (b) “Health care provider” has the meaning given in s. 146.997 (1) (d).

6 (c) “Health care worker” means an employee of a health care facility or of a
7 health care provider.

8 **(2) STUDY, EDUCATION CAMPAIGN, AND GRANTS.** From the appropriation account
9 under s. 20.445 (1) (hr), the department shall do all of the following:

10 (a) Conduct a study of injuries to health care workers caused by lifting.

11 (b) Develop and distribute to health care facilities, health care providers, and
12 health care workers informational materials that promote a lift-free working
13 environment for health care workers.

14 (c) Distribute grants to health care facilities and health care providers to assist
15 in the implementation of a lift-free working environment for the health care workers
16 of those health care facilities and health care providers. The department shall
17 require a grant recipient to provide matching funds in an amount determined by the
18 department.

19 *–1219/2.13* SECTION 1796. 102.81 (2) of the statutes is amended to read:

20 102.81 (2) The department may retain an insurance carrier or insurance
21 service organization to process, investigate and pay claims under this section and
22 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
23 do business in this state in an amount that the secretary determines is necessary for
24 the sound operation of the uninsured employers fund. In cases involving disputed
25 claims, the department may retain an attorney to represent the interests of the

1 uninsured employers fund and to make appearances on behalf of the uninsured
2 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and all
3 provisions of subch. IV of ch. 16, except s. 16.771, do not apply to an attorney hired
4 under this subsection. The charges for the services retained under this subsection
5 shall be paid from the appropriation under s. 20.445 (1) (hp). The cost of any
6 reinsurance obtained under this subsection shall be paid from the appropriation
7 under s. 20.445 (1) (sm).

8 ***-1305/1.2* SECTION 1797.** 103.49 (5) (a) of the statutes is amended to read:

9 103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's
10 agent performing work on a project that is subject to this section shall keep full and
11 accurate records clearly indicating the name and trade or occupation of every person
12 performing the work described in sub. (2m) and an accurate record of the number of
13 hours worked by each of those persons and the actual wages paid for the hours
14 worked. By no later than the end of the week following a week in which a contractor,
15 subcontractor, or contractor's or subcontractor's agent performs work on a project
16 that is subject to this section, the contractor, subcontractor, or agent shall submit to
17 the state agency authorizing the work a certified record of the information specified
18 in the preceding sentence for that preceding week.

19 ***-1306/2.18* SECTION 1798.** 106.12 (2) of the statutes is amended to read:

20 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board
21 shall plan, coordinate, administer, and implement the youth apprenticeship
22 program, school-to-work, and work-based learning programs under s. 106.13 (1)
23 and such other employment and education programs as the governor may by
24 executive order assign to the board. Notwithstanding any limitations placed on the
25 use of state employment and education funds under this section or s. 106.13 or under

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1 an executive order assigning an employment and education program to the board,
2 the board may issue a general or special order waiving any of those limitations on
3 finding that the waiver will promote the coordination of employment and education
4 services.

5 *–1306/2.19* SECTION 1799. 106.13 (1) of the statutes is renumbered 106.13
6 (1) (intro.) and amended to read:

7 106.13 (1) (intro.) The department board shall provide a all of the following
8 programs:

9 (a) A youth apprenticeship program that includes the grant programs under
10 subs. (3m) and (4).

11 *–1306/2.20* SECTION 1800. 106.13 (2) of the statutes is amended to read:

12 106.13 (2) The council on workforce investment established under 29 USC
13 2821, the technical college system board, and the department of public instruction
14 shall assist the board in providing the youth apprenticeship program, the
15 school-to-work program, and the work-based learning program under sub. (1).

16 *–1306/2.21* SECTION 1801. 106.13 (2m) of the statutes is amended to read:

17 106.13 (2m) The board shall approve occupations and maintain a list of
18 approved occupations for the youth apprenticeship program and shall approve
19 statewide skill standards for the school-to-work program. From the appropriation
20 under s. 20.445 ~~(1)~~ (7) (a), the board shall develop curricula for youth apprenticeship
21 programs for occupations approved under this subsection.

22 *–1306/2.22* SECTION 1802. 106.13 (3m) (b) (intro.) of the statutes is amended
23 to read:

24 106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 ~~(1)~~ (e) (7) (b),
25 the board shall award grants to applying local partnerships for the implementation

1 and coordination of local youth apprenticeship programs. A local partnership shall
2 include in its grant application the identity of each public agency, nonprofit
3 organization, individual, and other person who is a participant in the local
4 partnership, a plan to accomplish the implementation and coordination activities
5 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
6 for receiving, managing, and accounting for the grant moneys received under this
7 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
8 paragraph may use the grant moneys awarded for any of the following
9 implementation and coordination activities:

10 *–0311/3.12* SECTION 1803. 108.02 (13) (k) of the statutes is amended to read:

11 108.02 (13) (k) “Employer” does not include a county department or aging unit,
12 or, under s. 46.2785, a private agency that serves as a fiscal agent or contracts with
13 a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i) or 47.035 as to
14 any individual performing services for a person receiving long-term support services
15 under s. 46.27 (5) (b), 46.275, 46.277, 46.278, ~~46.2785, 46.286~~, 46.495, 51.42, or
16 51.437 or personal assistance services under s. 47.02 (6) (c).

17 *–0252/2.5* SECTION 1804. 108.07 (8) (b) of the statutes is amended to read:

18 108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,
19 and has employment with an employer other than the department of corrections or
20 ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~
21 the claimant’s employment terminates because conditions of incarceration or
22 supervision make it impossible to continue the employment, the department shall
23 charge to the fund’s balancing account any benefits based on the terminated
24 employment that are otherwise chargeable to the account of an employer that is
25 subject to the contribution requirements under ss. 108.17 and 108.18.

1 *-0352/4.1* SECTION 1805. 111.70 (1) (b) of the statutes is amended to read:

2 111.70 (1) (b) "Collective bargaining unit" means ~~a~~ the unit consisting of
3 ~~municipal employees who are school district professional employees or of municipal~~
4 ~~employees who are not school district professional employees~~ that is determined by
5 the commission to be appropriate for the purpose of collective bargaining.

6 *-0352/4.2* SECTION 1806. 111.70 (1) (dm) of the statutes is repealed.

7 *-0352/4.3* SECTION 1807. 111.70 (1) (fm) of the statutes is repealed.

8 *-0352/4.4* SECTION 1808. 111.70 (1) (nc) of the statutes is repealed.

9 *-0352/4.5* SECTION 1809. 111.70 (4) (cm) 5s. of the statutes is repealed.

10 *-0352/4.6* SECTION 1810. 111.70 (4) (cm) 6. a. of the statutes is amended to
11 read:

12 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
13 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
14 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
15 period of negotiation and after mediation by the commission under subd. 3. and other
16 settlement procedures, if any, established by the parties have been exhausted, and
17 the parties are deadlocked with respect to any dispute between them over wages,
18 hours and conditions of employment to be included in a new collective bargaining
19 agreement, either party, or the parties jointly, may petition the commission, in
20 writing, to initiate compulsory, final and binding arbitration, as provided in this
21 paragraph. At the time the petition is filed, the petitioning party shall submit in
22 writing to the other party and the commission its preliminary final offer containing
23 its latest proposals on all issues in dispute. Within 14 calendar days after the date
24 of that submission, the other party shall submit in writing its preliminary final offer
25 on all disputed issues to the petitioning party and the commission. If a petition is

1 filed jointly, both parties shall exchange their preliminary final offers in writing and
2 submit copies to the commission at the time the petition is filed.

3 *–0352/4.7* SECTION 1811. 111.70 (4) (cm) 6. am. of the statutes is amended
4 to read:

5 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
6 commission shall make an investigation, with or without a formal hearing, to
7 determine whether arbitration should be commenced. If in determining whether an
8 impasse exists the commission finds that the procedures set forth in this paragraph
9 have not been complied with and such compliance would tend to result in a
10 settlement, it may order such compliance before ordering arbitration. The validity
11 of any arbitration award or collective bargaining agreement shall not be affected by
12 failure to comply with such procedures. Prior to the close of the investigation each
13 party shall submit in writing to the commission its single final offer containing its
14 final proposals on all issues in dispute that are subject to interest arbitration under
15 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
16 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
17 close the investigation based on the last written position of the party. ~~The municipal~~
18 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
19 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
20 bargaining, except that a permissive subject of bargaining may be included by a
21 party if the other party does not object and shall then be treated as a mandatory
22 subject. No later than such time, the parties shall also submit to the commission a
23 stipulation, in writing, with respect to all matters which are agreed upon for
24 inclusion in the new or amended collective bargaining agreement. The commission,
25 after receiving a report from its investigator and determining that arbitration should

1 be commenced, shall issue an order requiring arbitration and immediately submit
2 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
3 alternately strike names until a single name is left, who shall be appointed as
4 arbitrator. The petitioning party shall notify the commission in writing of the
5 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
6 formally appoint the arbitrator and submit to him or her the final offers of the
7 parties. The final offers shall be considered public documents and shall be available
8 from the commission. In lieu of a single arbitrator and upon request of both parties,
9 the commission shall appoint a tripartite arbitration panel consisting of one member
10 selected by each of the parties and a neutral person designated by the commission
11 who shall serve as a chairperson. An arbitration panel has the same powers and
12 duties as provided in this section for any other appointed arbitrator, and all
13 arbitration decisions by such panel shall be determined by majority vote. In lieu of
14 selection of the arbitrator by the parties and upon request of both parties, the
15 commission shall establish a procedure for randomly selecting names of arbitrators.
16 Under the procedure, the commission shall submit a list of 7 arbitrators to the
17 parties. Each party shall strike one name from the list. From the remaining 5
18 names, the commission shall randomly appoint an arbitrator. Unless both parties
19 to an arbitration proceeding otherwise agree in writing, every individual whose
20 name is submitted by the commission for appointment as an arbitrator shall be a
21 resident of this state at the time of submission and every individual who is
22 designated as an arbitration panel chairperson shall be a resident of this state at the
23 time of designation.

24 *–0352/4.8* SECTION 1812. 111.70 (4) (cm) 8m. a. and c. of the statutes are
25 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

1 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
2 the initial collective bargaining agreement between the parties and, except as the
3 parties otherwise agree, and except as provided in par. (cn), every collective
4 bargaining agreement covering municipal employees subject to this paragraph ~~other~~
5 ~~than school district professional employees~~ shall be for a term of 2 years. ~~No, but in~~
6 no case may a collective bargaining agreement for any collective bargaining unit
7 consisting of municipal employees ~~subject to this paragraph other than school~~
8 ~~district professional employees~~ shall be for a term exceeding 3 years. e. No
9 arbitration award may contain a provision for reopening of negotiations during the
10 term of a collective bargaining agreement, unless both parties agree to such a
11 provision. The requirement for agreement by both parties does not apply to a
12 provision for reopening of negotiations with respect to any portion of an agreement
13 that is declared invalid by a court or administrative agency or rendered invalid by
14 the enactment of a law or promulgation of a federal regulation.

15 ***-0352/4.9* SECTION 1813.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

16 ***-0352/4.10* SECTION 1814.** 111.70 (4) (cm) 8p. of the statutes is repealed.

17 ***-0352/4.11* SECTION 1815.** 111.70 (4) (cm) 8s. of the statutes is repealed.

18 ***-0352/4.12* SECTION 1816.** 111.70 (4) (d) 2. a. of the statutes is amended to
19 read:

20 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
21 bargaining unit for the purpose of collective bargaining and shall whenever possible,
22 unless otherwise required under this subchapter, avoid fragmentation by
23 maintaining as few collective bargaining units as practicable in keeping with the size
24 of the total municipal work force. In making such a determination, the commission
25 may decide whether, in a particular case, the municipal employees in the same or

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1 several departments, divisions, institutions, crafts, professions, or other
2 occupational groupings constitute a collective bargaining unit. Before making its
3 determination, the commission may provide an opportunity for the municipal
4 employees concerned to determine, by secret ballot, whether or not they desire to be
5 established as a separate collective bargaining unit. ~~The commission shall not~~
6 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
7 ~~collective bargaining unit if the group includes both municipal employees who are~~
8 ~~school district professional employees and municipal employees who are not school~~
9 ~~district professional employees.~~ The commission shall not decide, however, that any
10 other group of municipal employees constitutes an appropriate collective bargaining
11 unit if the group includes both professional employees and nonprofessional
12 employees, unless a majority of the professional employees vote for inclusion in the
13 unit. The commission shall not decide that any group of municipal employees
14 constitutes an appropriate collective bargaining unit if the group includes both craft
15 employees and noncraft employees unless a majority of the craft employees vote for
16 inclusion in the unit. The commission shall place the professional employees who are
17 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
18 a separate collective bargaining unit from a unit that includes any other professional
19 employees whenever at least 30% of those professional employees request an election
20 to be held to determine that issue and a majority of the professional employees at the
21 charter school who cast votes in the election decide to be represented in a separate
22 collective bargaining unit. Any vote taken under this subsection shall be by secret
23 ballot.

24 *–1737/2.9* SECTION 1817. 111.815 (3) of the statutes is amended to read:

1 111.815 (3) With regard to collective bargaining activities involving employees
2 who are assistant district attorneys, the director of the office shall maintain close
3 liaison with the secretary department of administration justice.

4 ***-0342/3.2* SECTION 1818.** 115.28 (45) of the statutes is created to read:

5 115.28 (45) GRANTS FOR ADVANCED PLACEMENT COURSES. From the appropriation
6 under s. 20.255 (2) (fw), award grants to school districts to partially reimburse them
7 for the costs of offering advanced placement courses in high schools that are not
8 offering such courses. A grant may not exceed an amount equal to \$300 multiplied
9 by the number of pupils in the high school's advanced placement courses in the fall
10 or spring session in which the grant is awarded.

11 ***-1648/2.17* SECTION 1819.** 115.28 (47m) of the statutes is created to read:

12 115.28 (47m) GRANT TO BELOIT COLLEGE. Annually award the amount
13 appropriated under s. 20.255 (2) (kn) to Beloit College to educate children and adults
14 in southern Wisconsin about Native American cultures.

15 ***-0401/1.1* SECTION 1820.** 115.29 (6) of the statutes is created to read:

16 115.29 (6) ENGLISH LANGUAGE PROFICIENCY ASSESSMENT SYSTEM. Assist in the
17 establishment of, and participate in, a consortium of state education agencies
18 organized to obtain public and private funds to be used to purchase an English
19 language proficiency assessment system.

20 ***-0393/2.1* SECTION 1821.** 115.341 (1) of the statutes is amended to read:

21 115.341 (1) From the appropriation under s. 20.255 (2) (cm), the state
22 superintendent shall reimburse each school board ~~10~~ 15 cents for each breakfast
23 served at a school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever
24 is applicable, and shall reimburse each governing body of a private school ~~10~~ 15 cents

1 for each breakfast served at the private school that meets the requirements of 7 CFR
2 220.8 or 220.8a, whichever is applicable.

3 *-1534/3.5* SECTION 1822. 115.3615 of the statutes is amended to read:

4 **115.3615 Head start supplement.** From the appropriations appropriation
5 under s. 20.255 (2) (eh) and ~~(kh)~~, the state superintendent shall distribute funds to
6 agencies determined by the state superintendent to be eligible for designation as
7 head start agencies under 42 USC 9836 to provide comprehensive health,
8 educational, nutritional, social and other services to economically disadvantaged
9 children and their families. The state superintendent shall distribute the funds in
10 a manner consistent with 42 USC 9831 to 9852 except that there is no matching fund
11 requirement. The state superintendent shall give preference in funding under this
12 section to agencies that are receiving federal funds under 42 USC 9831 to 9852 and
13 to agencies that operate full-time or early head start programs. Funds distributed
14 under this section may be used to match available federal funds under 42 USC 9831
15 to 9852 only if the funds are used to secure additional federal funds for the purposes
16 under this section.

17 *-1588/4.2* SECTION 1823. 115.40 of the statutes is created to read:

18 **115.40 Grants for differentiated compensation programs.** (1) During
19 the 2005–07 fiscal biennium, a school district is eligible for a grant under this section
20 for the design, development, and implementation of a differentiated compensation
21 program that bases all or part of teacher salary increases on one or more of the
22 following factors:

23 (a) An increase in a teacher's knowledge about teaching or about the subjects
24 he or she teaches or an improvement in a teacher's teaching skills.

1 (b) The assumption by a teacher of additional leadership responsibilities,
2 including mentoring other teachers.

3 (c) The assignment of a teacher to a grade level or subject area in which there
4 are teacher shortages.

5 (d) The assignment of a teacher to a school that is difficult to staff or that is low
6 in pupil performance.

7 (2) From the appropriation under s. 20.255 (2) (dc), the department shall award
8 two-year, nonrenewable grants under this section to no more than 20 school
9 districts. The amount of a grant may not exceed \$100,000.

10 (3) Within 90 days after the end of the grant period, each school board receiving
11 a grant under this section shall submit to the department a report that summarizes
12 the activities funded by the grant.

13 (4) The department shall do all of the following:

14 (a) Award grants under this section in a competitive process based on criteria
15 designed by the department.

16 (b) In awarding grants, give preference to school districts that demonstrate the
17 support of the teachers employed by the school district, the community, and the
18 businesses in the community.

19 (c) In awarding grants, make all reasonable efforts to reflect the diversity of
20 school districts in size of enrollment, ethnicity, location, family income, and density
21 of population.

22 (d) Promulgate rules to implement and administer this section.

23 (5) This section does not affect a school district's duty to bargain with the
24 employees collective bargaining representative over wages, hours, and conditions of
25 employment.

1 ***-0400/3.3* SECTION 1824.** 115.405 (1) of the statutes is renumbered 115.405
2 (1) (a) and amended to read:

3 115.405 (1) (a) A cooperative educational service agency or a consortium
4 consisting of 2 or more school districts or cooperative educational service agencies,
5 or a combination thereof, may apply to the department for a grant to provide
6 technical assistance and training for teachers who are licensed or have been issued
7 a permit under ss. 115.28 (7) and 118.192 to implement peer review and mentoring
8 programs. An applicant for a grant under this ~~section~~ subsection shall submit to the
9 department a plan identifying the school districts and cooperative educational
10 service agencies that will participate in the peer review and mentoring program and
11 describing how the grant funds will be allocated. As a condition of receiving a grant
12 under this ~~section~~ subsection, a cooperative educational service agency or a
13 consortium shall provide matching funds in an amount equal to at least 20% of the
14 amount of the grant awarded. The matching funds may be in the form of money or
15 in-kind services or both.

16 ***-0400/3.4* SECTION 1825.** 115.405 (2) of the statutes is renumbered 115.405
17 (1) (b) and amended to read:

18 115.405 (1) (b) The department shall award grants under par. (a) from the
19 appropriation under s. 20.255 (2) (fk). The department may not award more than
20 \$25,000 to an applicant in a fiscal year.

21 ***-0400/3.5* SECTION 1826.** 115.405 (2m) of the statutes is created to read:

22 115.405 (2m) (a) In this subsection, "initial educator" means a person who is
23 licensed by the department as an initial educator under s. PI 34.17, Wis. Adm. Code.

24 (b) From the appropriation under s. 20.255 (2) (fh), the department shall award
25 a grant to each person employing an initial educator in a position requiring a

1 teaching license issued by the department under s. 115.28 (7), for each initial
2 educator so employed. The amount of the grant shall be equal to the amount that
3 the employer is spending to provide a mentor for the initial educator, but not more
4 than \$375. The employer shall use the money to provide a mentor for each initial
5 educator employed.

6 (c) If the amount appropriated under s. 20.255 (2) (fh) in any fiscal year is
7 insufficient to fully fund the grants under this subsection, the department shall
8 prorate the payments to eligible persons.

9 *-0399/1.2* SECTION 1827. 115.42 (title) of the statutes is amended to read:

10 115.42 (title) **National Grants for national teacher certification or**
11 **master educator licensure.**

12 *-0399/1.3* SECTION 1828. 115.42 (1) (a) 1. of the statutes is amended to read:

13 115.42 (1) (a) 1. The person is certified by the National Board for Professional
14 Teaching Standards or licensed by the department as a master educator under s. PI
15 34.19, Wis. Adm. Code.

16 *-0399/1.4* SECTION 1829. 115.42 (1) (a) 2. of the statutes is amended to read:

17 115.42 (1) (a) 2. The person is licensed ~~as a teacher~~ by the state superintendent,
18 or employed ~~as a teacher~~ in a private school located in this state in a position that
19 would require a license issued by the state superintendent if the position were in a
20 public school.

21 *-0399/1.5* SECTION 1830. 115.42 (1) (a) 4. of the statutes is amended to read:

22 115.42 (1) (a) 4. The person is employed ~~as a teacher~~ in this state in a position
23 that requires a license issued by the state superintendent or that would require such
24 a license if the position were in a public school.

25 *-0399/1.6* SECTION 1831. 115.42 (1) (b) of the statutes is amended to read:

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1 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
2 costs of obtaining certification or licensure under par. (a) 1. that are borne by the
3 person, not to exceed \$2,000. The department shall award the grant under this
4 subsection in the first school year in which the person meets the requirements under
5 par. (a).

6 ***-0399/1.7*** SECTION 1832. 115.42 (2) (a) 1. of the statutes is amended to read:

7 115.42 (2) (a) 1. The person maintains his or her ~~certification by the National~~
8 ~~Board for Professional Teaching Standards~~ national teacher certificate or master
9 educator license.

10 ***-0399/1.8*** SECTION 1833. 115.42 (2) (a) 2. of the statutes is amended to read:

11 115.42 (2) (a) 2. The person maintains his or her license ~~as a teacher~~ issued by
12 the state superintendent or remains employed in a private school located in this
13 state.

14 ***-0399/1.9*** SECTION 1834. 115.42 (2) (a) 4. of the statutes is amended to read:

15 115.42 (2) (a) 4. The person remains employed ~~as a teacher~~ in this state in a
16 position that requires a license issued by the state superintendent or that would
17 require a license if the position were in a public school.

18 ***-0399/1.10*** SECTION 1835. 115.42 (3) of the statutes is amended to read:

19 115.42 (3) The department may not require, as a condition for renewing a
20 person's ~~teaching~~ license, that the person have earned continuing professional
21 education credits or their equivalent in the 5 years immediately preceding his or her
22 application for license renewal if he or she has been initially certified by the National
23 Board for Professional Teaching Standards during those 5 years.

24 ***-0399/1.11*** SECTION 1836. 115.42 (4) (c) of the statutes is amended to read:

1 115.42 (4) (c) The number of times that a teacher person may be exempt from
2 continuing professional education requirements under sub. (3).

3 *–0425/4.2* **SECTION 1837.** 115.445 of the statutes is created to read:

4 **115.445 Four-year-old kindergarten grants.** (1) A school board may
5 apply to the department for up to 2 annual grants under this section to implement
6 a 4-year-old kindergarten program.

7 (2) (a) For the initial grant awarded under this section, the department shall
8 pay the school board up to \$3,000 for each 4-year-old kindergarten pupil enrolled
9 in the school district. For the second grant awarded under this section, the
10 department shall pay the school board up to \$1,500 for each 4-year-old kindergarten
11 pupil enrolled in the school district.

12 (b) The department shall pay grants under this section from the appropriation
13 under s. 20.255 (2) (dp) and shall give preference in awarding grants to school boards
14 that use community approaches to early education, as defined by the department by
15 rule. If the funds in this appropriation are insufficient to pay all eligible school
16 boards, the department shall prorate the payments.

17 (3) The department shall promulgate rules to implement this section.

18 *–0370/1.5* **SECTION 1838.** 115.49 of the statutes is created to read:

19 **115.49 Pupil diversity grants .** (1) A person may apply to the department
20 under this section for an annual grant to do any of the following:

21 1. Impart to pupils an appreciation and understanding of different value
22 systems and cultures.

23 2. Promote pupils' understanding of human relations, particularly with regard
24 to American Indians.

1 3. Assist pupils, schools, and communities in appreciating racial and cultural
2 diversity.

3 (2) (a) The department shall award grants under this section from the
4 appropriation under s. 20.255 (2) (kj). No grant may exceed \$30,000.

5 (b) The department shall promulgate rules to implement this section.

6 *-1648/2.18* SECTION 1839. 115.751 of the statutes is created to read:

7 **115.751 Aid to alternative schools.** (1) (a) Subject to the requirements of
8 par. (b), each alternative school operating an American Indian language and culture
9 education program under this subchapter shall receive state aid, from the
10 appropriation under s. 20.255 (2) (km), in an amount equal to \$200 for each pupil who
11 has completed the fall semester in the program.

12 (b) No alternative school may receive state aid under this section unless the
13 state superintendent:

14 1. Determines that the alternative school has adequate management and
15 accounting capacity and that the school agrees that its accounts related to the
16 program may be audited.

17 2. Certifies that the alternative school has met the requirements of ss. 115.73
18 and 115.735 and has submitted a report to the state superintendent which includes
19 a description of all expenditures made in the prior year in connection with the
20 program, a budget for the current year for the program, and the number of pupils who
21 have completed the fall semester in the program.

22 (2) State aid under this section shall be paid in April of each year. In no case
23 may such aid supplant federal aid received by the alternative school and utilized for
24 American Indian language and culture education programs in the prior year.

1 (3) If the appropriation under s. 20.255 (2) (km) in any year is insufficient to
2 pay the full amount of aid under this section, state aid payments shall be prorated
3 among the alternative schools entitled to such aid.

4 *–0395/2.1* SECTION 1840. 115.88 (1) of the statutes is amended to read:

5 115.88 (1) PERSONNEL. A school board, board of control of a cooperative
6 educational service agency or, upon authorization of the county board, a county
7 children with disabilities education board may employ, for a special education
8 program, either full- or part-time licensed teachers, licensed coordinators of special
9 education, licensed school social workers, licensed school psychologists, licensed
10 school counselors, paraprofessionals, licensed consulting teachers to work with any
11 teacher of regular education programs who has a child with a disability in a class and
12 any other personnel approved by the department. The board may contract with
13 private or public agencies for physical or occupational therapy services on the basis
14 of demonstrated need.

15 *–0395/2.2* SECTION 1841. 115.88 (1m) (am) of the statutes is amended to read:

16 115.88 (1m) (am) If the operator of a charter school established under s. 118.40
17 (2r) operates a special education program and the state superintendent is satisfied
18 that the operator of the charter school is complying with 20 USC 1400 to 1491o, the
19 state superintendent shall certify to the department of administration in favor of the
20 operator of the charter school a sum equal to the amount that the operator of the
21 charter school expended during the previous school year for salaries of full-time or
22 part-time licensed teachers, licensed coordinators of special education, licensed
23 school social workers, licensed school psychologists, licensed school counselors,
24 paraprofessionals, licensed consulting teachers to work with any teacher of regular
25 education programs who has a child with a disability in a class and any other

1 personnel, as determined by the state superintendent. Certified costs under this
2 paragraph are eligible for reimbursement from the appropriation under s. 20.255 (2)
3 (b). The state superintendent may audit costs under this paragraph and adjust
4 reimbursement to cover only actual, eligible costs.

5 *–0423/3.2* SECTION 1842. 115.881 of the statutes is created to read:

6 **115.881 Additional special education aid.** (1) A school board, board of
7 control of a cooperative educational service agency, county children with disabilities
8 education board, or operator of a charter school established under s. 118.40 (2r) may
9 apply to the department for aid under this section if the applicant incurred, in the
10 previous school year, more than \$30,000 of nonadministrative costs for providing
11 special education and related services to a child and those costs were not eligible for
12 reimbursement under s. 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal
13 medicaid.

14 (2) For each child whose costs exceeded \$30,000 under sub. (1), the department
15 shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the
16 current school year an amount equal to 0.90 multiplied by that portion of the cost
17 under sub. (1) that exceeded \$30,000.

18 (3) If the appropriation under s. 20.255 (2) (bd) is insufficient to pay the full
19 amount of costs under sub. (2), the department shall prorate payments among
20 eligible applicants.

21 *–0747/1.5* SECTION 1843. 115.882 of the statutes is amended to read:

22 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
23 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
24 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
25 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount

1 appropriated for reimbursement for the costs, ~~less the amount paid by the~~
2 ~~department of health and family services under s. 20.435 (4) (b) and (c) under s. 49.45~~
3 ~~(39) (b) 1m.,~~ not to exceed 100%.

4 ***-1742/3.4* SECTION 1844.** 118.153 (4) (b) of the statutes is amended to read:

5 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the
6 state superintendent shall pay to the school district from the appropriation under s.
7 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
8 at least 3 of the objectives under par. (c) in the previous school year, additional state
9 aid in an amount equal to 10% of the school district's average per pupil aids provided
10 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and, (af), and (r) in the
11 previous school year.

12 ***-0352/4.13* SECTION 1845.** 118.245 of the statutes is repealed.

13 ***-0343/3.2* SECTION 1846.** 118.35 (4) of the statutes is created to read:

14 118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall
15 award grants to cooperative educational service agencies and the school district
16 operating under ch. 119 for the purpose of providing advanced curriculum and
17 assessments for gifted and talented middle school pupils.

18 ***-0420/2.1* SECTION 1847.** 118.43 (2) (bw) of the statutes is created to read:

19 118.43 (2) (bw) In the 2006-07 school year, the school board of an eligible school
20 district may enter into a 5-year achievement guarantee contract with the
21 department on behalf of one or more schools in the school district if all of the following
22 apply:

23 1. The school board is not receiving a grant under the preschool to grade 5
24 program on behalf of any of the schools under s. 115.45.

1 2. The school board, if eligible to participate in the program under this section
2 in the 1996–97 and 1998–99 school years, had participated in the program during
3 either school year.

4 3. None of the schools is a beneficiary of a contract under this section.

5 *–0420/2.2* SECTION 1848. 118.43 (2) (e) 1. of the statutes is amended to read:

6 118.43 (2) (e) 1. If the school board of an eligible school district does not enter
7 into an achievement guarantee contract with the department, a school board that
8 has entered into such a contract, other than the school board of the school district
9 operating under ch. 119, may apply to the department to enter into such a contract
10 on behalf of one or more schools that meet the requirements under par. (b), (bg) or,
11 (br), or (bw).

12 *–0420/2.3* SECTION 1849. 118.43 (2) (g) of the statutes is amended to read:

13 118.43 (2) (g) The department may renew an achievement guarantee contract
14 under pars. (b), (bg), ~~and (br)~~, and (bw) for one or more terms of 5 school years. As
15 a condition of receiving payments under a renewal of an achievement guarantee
16 contract, a school board shall maintain the reduction of class size achieved during
17 the last school year of the original achievement guarantee contract for the grades
18 specified for the last school year of the contract.

19 *–0420/2.4* SECTION 1850. 118.43 (3) (intro.) of the statutes is amended to
20 read:

21 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
22 ~~and, (ar), and (aw)~~, an achievement guarantee contract shall require the school board
23 to do all of the following in each participating school:

24 *–0420/2.5* SECTION 1851. 118.43 (3) (aw) of the statutes is created to read:

1 118.43 (3) (aw) *Class size; additional contracts.* For contracts that begin in the
2 2006–07 school year, reduce each class size to 15 in the following manner:

- 3 1. In the 2006–07 school year, in at least grades kindergarten and one.
4 2. In the 2007–08 school year, in at least grades kindergarten to 2.
5 3. In the 2008–09 to 2009–10 school years, in at least grades kindergarten to
6 3.

7 ***-0422/1.2* SECTION 1852.** 118.43 (6) (a) of the statutes is amended to read:

8 118.43 (6) (a) In this subsection, “amount appropriated” means the amount
9 appropriated under s. 20.255 (2) (cu) in any fiscal year less \$250,000, ~~plus the amount~~
10 ~~appropriated under s. 20.255 (2) (cv).~~

11 ***-0422/1.3* SECTION 1853.** 118.43 (6) (b) (intro.) of the statutes is amended to
12 read:

13 118.43 (6) (b) (intro.) From the ~~appropriations~~ appropriation under s. 20.255
14 (2) (cu) ~~and (cv)~~, subject to par. (c), the department shall pay to each school district
15 that has entered into a contract with the department under this section an amount
16 determined as follows:

17 ***-0420/2.6* SECTION 1854.** 118.43 (6) (b) 9. of the statutes is created to read:

18 118.43 (6) (b) 9. In the 2005–06 school year, \$2,250 multiplied by the number
19 of low-income pupils enrolled in grades eligible for funding in each school in the
20 school district covered by renewals of contracts under sub. (2) (g).

21 ***-0420/2.7* SECTION 1855.** 118.43 (6) (b) 10. of the statutes is created to read:

22 118.43 (6) (b) 10. In the 2006–07 school year, \$2,500 multiplied by the number
23 of low-income pupils enrolled in grades eligible for funding in each school in the
24 school district covered by renewals of contracts under sub. (2) (g). After making these
25 payments, the department shall pay school districts on behalf of schools that are

covered by contracts under sub. (3) (aw) an amount equal to \$2,500 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contract under sub. (3) (aw). In making these payments, the department shall give priority to schools that have the highest percentage of low-income pupil enrollment and shall ensure that it fully distributes the amount appropriated.

***-0420/2.8* SECTION 1856.** 118.43 (6) (c) of the statutes is amended to read:

118.43 (6) (c) The amount paid to a school district in any school year under par. (b) may not exceed an amount equal to \$2,000 \$2,500 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under this section.

***-0352/4.14* SECTION 1857.** 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are applicable to a 1st class city school district and board.

***-1566/2.5* SECTION 1858.** 119.16 (8) (am) of the statutes is created to read:

119.16 (8) (am) Except as provided in par. (a), s. 65.90 (3) and (5) (c) applies to the budget proposed by the board.

***-0404/4.114* SECTION 1859.** 120.13 (14) of the statutes is amended to read:

1 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
2 provision of day care programs for children. The school board may receive federal
3 or state funds for this purpose. The school board may charge a fee for all or part of
4 the cost of the service for participation in a day care program established under this
5 subsection. Costs associated with a day care program under this subsection may not
6 be included in shared costs under s. 121.07 (6). Day care programs established under
7 this subsection shall meet the standards for licensed day care centers established by
8 the department of health and family services workforce development. If a school
9 board proposes to contract for or renew a contract for the provision of a day care
10 program under this subsection or if on July 1, 1996, a school board is a party to a
11 contract for the provision of a day care program under this subsection, the school
12 board shall refer the contractor or proposed contractor to the department of health
13 and family services for the criminal history and child abuse record search required
14 under s. 48.685. Each school board shall provide the department of health and family
15 services with information about each person who is denied a contract for a reason
16 specified in s. 48.685 (4m) (a) 1. to 5.

17 *-1742/3.5* SECTION 1860. 121.007 of the statutes is amended to read:

18 **121.007 Use of state aid; exemption from execution.** All moneys paid to
19 a school district under s. 20.255 (2) (ac), (af), (bc), (cg), (~~er~~), (qr), and (r) shall be used
20 by the school district solely for the purposes for which paid. Such moneys are exempt
21 from execution, attachment, garnishment, or other process in favor of creditors,
22 except as to claims for salaries or wages of teachers and other school employees and
23 as to claims for school materials, supplies, fuel, and current repairs.

24 *-1742/3.6* SECTION 1861. 121.08 (4) (a) (intro.), 2. and 3. of the statutes are
25 amended to read:

1 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
2 to be paid from the appropriations under s. 20.255 (2) (ac) ~~and, (af), and~~(r) shall be
3 reduced by the amount determined as follows:

4 2. Divide the sum under subd. 1. by the total amount of state aid that all school
5 districts are eligible to be paid from the appropriations under s. 20.255 (2) (ac) ~~and,~~
6 (af), and (r), calculated as if the reduction under par. (b) had not occurred.

7 3. Multiply the amount of state aid that the school district is eligible to be paid
8 from the appropriations under s. 20.255 (2) (ac) ~~and, (af), and~~ (r), calculated as if the
9 reduction under par. (b) had not occurred, by the quotient under subd. 2.

10 *-1742/3.7* SECTION 1862. 121.08 (4) (b) of the statutes is amended to read:

11 121.08 (4) (b) The amount of state aid that the school district operating under
12 ch. 119 is eligible to be paid from the appropriations under s. 20.255 (2) (ac), (af), and
13 (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4) and (4m) in
14 the current school year.

15 *-1742/3.8* SECTION 1863. 121.09 (1) of the statutes is amended to read:

16 121.09 (1) If, on or after July 1, 1980, the tax appeals commission or a court
17 makes a final redetermination on the assessment of property subject to taxation
18 under s. 70.995 that is lower than the previous assessment, or if, on or after January
19 1, 1982, the state board of assessors makes a final redetermination on the
20 assessment of property subject to taxation under s. 70.995 that is lower than the
21 previous assessment, the school board of the school district in which the property is
22 located may, within 4 years after the date of the determination, decision, or
23 judgment, file the determination of the state board of assessors, the decision of the
24 tax appeals commission, or the judgment of the court with the state superintendent,
25 requesting an adjustment in state aid to the school district. If the state

1 superintendent determines that the determination, decision, or judgment is final
2 and that it has been filed within the 4-year period, the state shall pay to the school
3 district in the subsequent fiscal year, from the ~~appropriation~~ appropriations under
4 s. 20.255 (2) (ac) and (af), an amount equal to the difference between the state aid
5 computed under s. 121.08 for the school year commencing after the year subject to
6 the valuation recertification, using the school district's equalized valuation as
7 originally certified, and the state aid computed under s. 121.08 for that school year
8 using the school district's equalized valuation as recertified under s. 70.57 (2).

9 ***-1742/3.9* SECTION 1864.** 121.09 (2m) of the statutes is amended to read:

10 121.09 (2m) If after June 30, 1995, and before July 26, 2003, the state board
11 of assessors, the tax appeals commission, or a court makes a final redetermination
12 on the assessment of telephone company property subject to taxation under s. 70.112
13 (4) and subch. IV of ch. 76 that is lower than the previous assessment, the school
14 board of the school district in which the property is located may, within 4 years after
15 July 26, 2003, file the redetermination with the state superintendent, requesting an
16 adjustment in state aid to the school district. If the state superintendent determines
17 that the redetermination is final and that it has been filed within the 4-year period,
18 the state shall pay to the school district in the subsequent fiscal year, from the
19 ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (af), an amount equal to the
20 difference between the state aid computed under s. 121.08 for the school year
21 commencing after the year subject to the valuation recertification, using the school
22 district's equalized valuation as originally certified, and the state aid computed
23 under s. 121.08 for that school year using the school district's equalized valuation as
24 recertified under s. 70.57 (2).

25 ***-1742/3.10* SECTION 1865.** 121.09 (2r) of the statutes is amended to read:

1 121.09 (2r) If after July 26, 2003, the state board of assessors, the tax appeals
2 commission, or a court makes a final redetermination on the assessment of telephone
3 company property subject to taxation under s. 70.112 (4) and subch. IV of ch. 76 that
4 is lower than the previous assessment, the school board of the school district in which
5 the property is located may, within 4 years after the redetermination, file the
6 redetermination with the state superintendent, requesting an adjustment in state
7 aid to the school district. If the state superintendent determines that the
8 redetermination is final and that it has been filed within the 4-year period, the state
9 shall pay to the school district in the subsequent fiscal year, from the appropriation
10 appropriations under s. 20.255 (2) (ac) and (af), an amount equal to the difference
11 between the state aid computed under s. 121.08 for the school year commencing after
12 the year subject to the valuation recertification, using the school district's equalized
13 valuation as originally certified, and the state aid computed under s. 121.08 for that
14 school year using the school district's equalized valuation as recertified under s.
15 70.57 (2).

16 *-1742/3.11* SECTION 1866. 121.095 (2) of the statutes is amended to read:

17 121.095 (2) From the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
18 (af), annually the department of public instruction shall pay to the department of
19 military affairs an amount equal to the sum of the reductions under sub. (1). The
20 department of public instruction shall ensure that the aid adjustment under sub. (1)
21 does not affect the amount determined to be received by a school district as state aid
22 under s. 121.08 or for any other purpose.

23 *-1742/3.12* SECTION 1867. 121.105 (3) of the statutes is amended to read:

24 121.105 (3) In the school year in which a school district consolidation takes
25 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the

1 consolidated school district's state aid shall be an amount that is not less than the
2 aggregate state aid received by the consolidating school districts in the school year
3 prior to the school year in which the consolidation takes effect. The additional state
4 aid shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
5 (af).

6 *~~1742/3.13~~* SECTION 1868. 121.15 (1m) (a) 3. of the statutes is amended to
7 read:

8 121.15 (1m) (a) 3. Beginning in the 1999–2000 school year, annually the state
9 shall pay to school districts, from the ~~appropriation~~ appropriations under s. 20.255
10 (2) (ac) and (af), \$75,000,000 on the 4th Monday in July of the following school year.

11 *~~0396/3.1~~* SECTION 1869. 121.58 (2) (a) of the statutes is renumbered 121.58
12 (2) (a) (intro.) and amended to read:

13 121.58 (2) (a) (intro.) A school district which provides transportation to and
14 from a school under ss. 121.54 (1) to (3), (5) and (6) and 121.57, and the nonresident
15 school district that a pupil attends under s. 118.51 or 121.84 (4) which elects to
16 provide transportation under s. 121.54 (10), shall be paid state aid for such
17 transportation at the rate of ~~\$30 per school year per~~ following rates:

18 1. For each pupil so transported whose residence is at least 2 miles and not more
19 than 5 miles from the school attended, ~~\$45 per school year per~~ \$30 per school year
20 in the 2005–06 school year and \$40 per school year thereafter.

21 2. For each pupil so transported whose residence is at least more than 5 miles
22 and not more than 8 miles from the school attended, ~~\$60 per school year per~~ \$45 per
23 school year in the 2005–06 school year and \$65 per school year thereafter.

1 3. For each pupil so transported whose residence is at least more than 8 miles
2 and not more than 12 miles from the school attended, ~~\$68 per school year per~~ \$82 per
3 school year in the 2005 school year and \$120 per school year thereafter.

4 4. For each pupil so transported whose residence is at least 12 miles and not
5 more than 15 12 miles from the school attended, \$75 per school year per pupil so
6 transported whose residence is at least 15 miles and not more than 18 miles from the
7 school attended, and ~~\$85 per school year per pupil so transported whose residence~~
8 is more than 18 miles from the school attended. Such state \$150 per school year in
9 the 2005-06 school year and \$200 per school year thereafter.

10 (am) State aid under par. (a) shall be reduced proportionately in the case of a
11 pupil transported for less than a full school year because of nonenrollment. State aid
12 for transportation shall not exceed the actual cost thereof. No state aid of any kind
13 may be paid to a school district which charges the pupil transported or his or her
14 parent or guardian any part of the cost of transportation provided under ss. 121.54
15 (1) to (3), (5), (6) and (10) and 121.57 or which willfully or negligently fails to
16 transport all pupils for whom transportation is required under s. 121.54.

17 *-0396/3.2* SECTION 1870. 121.58 (2) (b) of the statutes is amended to read:

18 121.58 (2) (b) A school board that provides transportation under s. 121.54 (2)
19 (am) shall be paid state aid for such transportation at the rates specified and
20 according to the conditions established under ~~par. pars. (a) and (am)~~, except that the
21 amount of state aid may not exceed the amount which the school district would
22 receive for transporting the child between the child's residence and school attended
23 under s. 121.54 (1) to (3), (5), (6) or (9) or 121.57.

24 *-0396/3.3* SECTION 1871. 121.58 (2) (c) of the statutes is amended to read:

1 121.58 (2) (c) A school district which provides transportation to and from a
2 school under s. 121.54 (9) shall be paid state aid for such transportation at the rate
3 of \$12 per school year per pupil so transported in the 2005–06 school year and \$16
4 per school year per pupil so transported thereafter. Such state aid shall be reduced
5 proportionately in the case of a pupil transported for less than a full year because of
6 nonenrollment. State aid for such transportation shall not exceed the actual cost
7 thereof.

8 *–0609/3.3* **SECTION 1872.** 121.58 (6) of the statutes is amended to read:

9 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) ~~(er)~~
10 ~~(qr)~~ in any one year is insufficient to pay the full amount of approved claims under
11 this section, state aid payments shall be prorated among the school districts entitled
12 thereto.

13 *–1742/3.14* **SECTION 1873.** 121.85 (6) (e) of the statutes is amended to read:

14 121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be
15 paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (af).

16 *–1742/3.15* **SECTION 1874.** 121.85 (8) of the statutes is amended to read:

17 121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section
18 shall be subject to the same rules and regulations as resident pupils and shall have
19 the responsibilities, privileges, and rights of resident pupils in the school district or
20 attendance area. Subject to this subsection, a pupil transferring schools under either
21 sub. (3) (a) or (b) has the right to complete his or her education at the elementary,
22 middle, or high school to which he or she transfers so long as full funding therefor
23 is available under s. 20.255 (2) (ac) and (af).

24 *–1742/3.16* **SECTION 1875.** 121.85 (9) (c) of the statutes is amended to read:

1 121.85 (9) (c) The obligation under par. (a) to organize planning councils shall
2 apply only with regard to school terms for which full pupil transfer aids are
3 appropriated under s. 20.255 (2) (ac) and (af) and planning council assistance funds
4 are appropriated under s. 20.255 (1) (a).

5 *~~0605/2.1~~* **SECTION 1876.** 121.905 (1) of the statutes is amended to read:

6 121.905 (1) In this section, “revenue ceiling” means \$6,900, ~~except that~~
7 ~~“revenue ceiling” means \$7,400~~ \$8,100 in the 2003–04 ~~2005–06~~ school year and
8 ~~\$7,800~~ \$8,400 in any subsequent school year.

9 *~~1592/1.1~~* **SECTION 1877.** 121.905 (3) (b) 1. of the statutes is amended to read:

10 121.905 (3) (b) 1. Except as provided under subd. 2. and s. 121.91 (8), divide the
11 result in par. (a) 1. by the sum of the average of the number of pupils enrolled in the
12 3 previous school years and the number of pupils enrolled who were school district
13 residents and solely enrolled in a special education program provided by a county
14 children with disabilities education board program in the previous school year.

15 *~~1592/1.2~~* **SECTION 1878.** 121.91 (2m) (e) (intro.) of the statutes is amended
16 to read:

17 121.91 (2m) (e) (intro.) Except as provided in subs. (3) ~~and, (4), and (8)~~, no
18 school district may increase its revenues for the 1999–2000 school year or for any
19 school year thereafter to an amount that exceeds the amount calculated as follows:

20 *~~0607/2.1~~* **SECTION 1879.** 121.91 (4) (d) of the statutes is amended to read:

21 121.91 (4) (d) If a school district’s revenue in the preceding school year was less
22 than the limit under sub. (2m) in the preceding school year, the limit otherwise
23 applicable to the school district’s revenue in the current school year under sub. (2m)
24 is increased by an amount equal to ~~75%~~ of the difference between the amount of its

1 revenue in the preceding school year and the amount of the limit in the preceding
2 school year under sub. (2m).

3 *-0607/2.2* SECTION 1880. 121.91 (4) (dg) of the statutes is repealed.

4 *-0607/2.3* SECTION 1881. 121.91 (4) (dr) of the statutes is repealed.

5 *-1592/1.3* SECTION 1882. 121.91 (4) (f) 1. of the statutes is amended to read:

6 121.91 (4) (f) 1. For Except as provided in sub. (8), for the 1999-2000 school year
7 or any school year thereafter, if the average of the number of pupils enrolled in the
8 current and the 2 preceding school years is less than the average of the number of
9 pupils enrolled in the 3 previous school years, the limit otherwise applicable under
10 sub. (2m) (e) is increased by the additional amount that would have been calculated
11 had the decline in average enrollment been 25% of what it was.

12 *-1592/1.4* SECTION 1883. 121.91 (8) of the statutes is created to read:

13 121.91 (8) Beginning with the calculation of a school district's revenue limit for
14 the 2006-07 school year, a school district's base revenue per member under s. 121.905
15 (3) (b) 1., a school district's revenue limit under sub. (2m), and the adjustment for
16 declining enrollment under sub. (4) (f) shall be calculated as provided in those
17 sections and with a 5-year rolling average of enrollment instead of a 3-year rolling
18 average of enrollment. The result that provides a school district with the higher
19 revenue limit is the one in effect.

20 *-1827/3.1* SECTION 1884. 125.12 (6) of the statutes is created to read:

21 125.12 (6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS'
22 PERMITS FOR CERTAIN VIOLATIONS. (a) Any person may file a sworn written complaint
23 with the department alleging that an intoxicating liquor wholesaler has violated s.
24 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint
25 and sufficient facts for the department to determine whether there is cause to find

1 that a violation has occurred. The department shall provide a copy of the complaint
2 to any wholesaler against whom allegations are made, along with notice of the time
3 period under par. (b) to show cause why the wholesaler's permit should not be
4 revoked or suspended.

5 (b) Within 30 days of receiving a copy of the complaint under par. (a), any
6 wholesaler against whom allegations are made may file a sworn written response.

7 (c) Subject to par. (d), within 60 days of receiving any response under par. (b)
8 or, if no response is made, within 60 days of the date on which a response is due under
9 par. (b), the department shall make a written decision as to whether a violation has
10 occurred and either dismiss the complaint or take action under par. (e). Any decision
11 under this paragraph shall include findings of fact and conclusions of law and shall
12 state all reasons for the decision. The department shall provide a copy of the decision
13 to the complainant and to any wholesaler against whom allegations are made.

14 (d) Within 60 days of receiving any response under par. (b) or, if no response
15 is made, within 60 days of the date on which a response is due under par. (b), the
16 department may extend the time period for making a decision under par. (c) by an
17 additional 60 days if the department provides notice within the time period specified
18 in par. (c) that an additional 60 days is necessary for investigation.

19 (e) If the department finds the allegations true and sufficient, the department
20 shall either suspend for not less than 10 days nor more than 90 days or revoke the
21 wholesaler's permit, and give notice of the suspension or revocation to the
22 wholesaler.

23 (f) A revocation or suspension under this subsection is a contested case under
24 ch. 227.

25 *-1827/3.2* SECTION 1885. 125.145 of the statutes is amended to read:

1 **125.145 Prosecutions by attorney general or department.** Upon request
2 by the secretary of revenue, the attorney general may represent this state or assist
3 a district attorney in prosecuting any case arising under this chapter. The
4 department may represent this state in prosecuting any violation of s. 125.54 (7) (a)
5 or (b) and shall bring any such action in the circuit court for Dane County.

6 *-1827/3.3* **SECTION 1886.** 125.15 of the statutes is created to read:

7 **125.15 Actions against intoxicating liquor wholesalers.** If any
8 intoxicating liquor wholesaler, intoxicating liquor retail licensee or permittee, or
9 intoxicating liquor trade association makes a written complaint to the department
10 under s. 125.12 (6) of a violation of s. 125.54 (7) (a), and the department has not
11 rendered a decision within the time periods specified in s. 125.12 (6) (c) and (d), the
12 complaining party may bring an action to enforce the provisions of s. 125.54 (7) and
13 shall be entitled to recover reasonable attorney fees if found to be the prevailing
14 party.

15 *-1827/3.4* **SECTION 1887.** 125.54 (7) of the statutes is created to read:

16 **125.54 (7) BONA FIDE WHOLESALERS.** (a) 1. The premises described in a permit
17 issued under this section shall be capable of warehousing intoxicating liquor. Any
18 intoxicating liquor sold by the permittee shall be physically unloaded at the premises
19 described in the permit prior to being delivered to a retail licensee or permittee or to
20 another wholesaler.

21 2. A permittee under this section shall annually sell and deliver intoxicating
22 liquor to at least 10 retail licensees or permittees that do not have any direct or
23 indirect interest in each other or in the permittee under this section. The department
24 shall not issue a permit under this section unless the applicant represents to the
25 department an intention to satisfy this requirement, and shall not renew a permit

1 issued under this section unless the permittee demonstrates that this requirement
2 has been satisfied.

3 (b) No intoxicating liquor retail licensee or permittee may receive a benefit from
4 a violation under par. (a) with knowledge of the circumstances giving rise to the
5 violation.

6 (c) 1. In addition to imposing any penalty provided under s. 125.11, a court may
7 order a wholesaler who violates this subsection to forfeit an amount equal to any
8 profit gained by the wholesaler or by a retail licensee or permittee that violates par.
9 (b), or by both, resulting from the violation, and the court may further order that the
10 wholesaler's permit be revoked except that, if the wholesaler violates par. (a) 2., the
11 permit shall be revoked.

12 2. In addition to imposing any penalty provided under s. 125.11, a court may
13 order a retail licensee or permittee who violates this subsection to forfeit an amount
14 equal to any profit gained by the retail licensee or permittee resulting from the
15 violation, and the court may further order that the retail license or permit be
16 revoked.

17 3. This paragraph shall not affect the authority of any municipality or the
18 department to revoke, suspend, or refuse to renew or issue a license or permit under
19 s. 125.12.

20 (d) The department shall promulgate rules to administer and enforce the
21 requirements under this subsection. The rules shall ensure coordination between
22 the department's issuance and renewal of permits under this section and its
23 enforcement of the requirements of this subsection, and shall require that all
24 applications for issuance or renewal of permits under this section be processed by
25 department personnel generally familiar with activities of intoxicating liquor